NOT FOR PUBLICATION

(Document No. 14)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY CAMDEN VICINAGE

BRIAN LEE NESTOR,

Civil No. 11-4683 (RBK/AMD)

Plaintiff,

.

v. : **ORDER**

DIRECTOR OF NORTHEAST REGION BUREAU OF PRISONS, et al.

Defendants.

erendants.

KUGLER, United States District Judge:

THIS MATTER having come before the Court upon Defendants Donna Zickefoose,

Jennifer Ordonez, Michael Smith, and Corey Kaough's motion for summary judgment (Doc. No. 14), and the Court having considered the moving papers and responses thereto; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY ORDERED that Defendant's motion is GRANTED IN PART and DENIED IN PART. The Court will grant summary judgment for Defendants on Plaintiff's claims under the Federal Tort Claims Act, the Prison Rape Elimination Act, section 42 U.S.C. § 1983 (2006), and the Fourteenth and Fifth Amendments. The Court will further grant Defendants summary judgment on Plaintiff's Eighth Amendment claims against Defendants Zickefoose, Smith, and Kaough in their individual capacities. The Court will deny Defendant's motion for summary judgment on Plaintiff's Eighth Amendment claim against Defendant

Ordonez in her individual capacity and against Defendant Zickefoose in her official capacity as warden of Federal Correction Institution Fort Dix.

Dated: 12/18/2012

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge